

# ***Weighmaster Enforcement Program***



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***INFORMATION GUIDE***

# Introduction

The Weighmaster Enforcement Program assures that:

- Commercial transactions based on quantities certified on a weighmaster certificate are accurate.
- Weighmasters; individuals or firms who weigh, measure, or count bulk products and issue certificates of accuracy of the weight, measure, or count are licensed.
- Weighmaster certificates are used as the basis to buy or sell the product identified on the certificate or to charge for a service based on the quantity on the certificate (i.e., moving household goods).

Program activities include:

- Reweighing of vehicles and containers to verify the net weight statements on weighmaster certificates.
- Conducting routine and spot inspections of establishments involved in bulk sales through the use of undercover sales or purchases of products.
- Investigating complaints alleging fraudulent use or misuse of weighmaster certificates.

This program is funded by license fees collected from the regulated industries. There are approximately 90 different types of industries that are licensed by the program. The use of these certificates to buy and sell products represents over 78 billion dollars per year in California's economy.

## **Where Can the Laws and Regulations be Found?**

The laws relating to weighmasters were first enacted in 1916 and are found in the [California Business and Professions Code, Division 5, Chapter 7](#). Regulations that further define and implement the laws are found in the [California Code of Regulations, Title 4, Division 9, Chapter 9](#). Most violations of the weighmaster laws are classified as misdemeanors and carry fines of up to \$1,000 per violation and/or six months in the county jail.

## Information for Business and Industry

The Weighmaster Enforcement Program seeks to provide customer confidence when buying or selling bulk products based on quantities represented on a weighmaster certificate by ensuring uniformity, fairness and honest competition in the marketplace. Over 78 billion dollars a year changes hands in California's economy that is based on weighmaster certificates.

The Division of Measurement Standards Investigators and Specialists, working jointly with county weights and measures officials, enforce California's weighmaster laws and regulations within the State.

A weighmaster is a person or business that, for hire or otherwise, weighs, measures, or counts a commodity and issues a written statement of that quantity, referred to as a weighmaster certificate. It is a legal document used as the basis to buy or sell the commodity described on the certificate.

Weighmaster certificate formats are as varied as the weighmasters who issue them and the commodities indicated on them. Weighmasters generally order their certificates from a printing company or generate their certificates using their own computer software. Although weighmaster certificates are not required to be approved by the California State Division of Measurement Standards, it is recommended that a sample certificate be sent in for review with any new weighmaster license application.

All [weighmaster certificates](#) are required by law to have certain information that must be completed prior to issuance. Some of the required information includes: the name of the licensed weighmaster company, the weighmaster legend; and they must describe the commodity weighed, measured or counted. Certificates must be dated and signed by a deputy weighmaster.

Charges for a service can also be based on the quantity represented on the weighmaster certificate. Charges for moving household goods is one example of this. A weighmaster may also provide a weighing service to the public or other businesses, for a fee, and issue weighmaster certificates for the customer's use. This type of location is known as a public scale. A weighmaster is not required to provide weighing services to the general public. It is at their discretion.

Businesses that are licensed as weighmasters include, but are not limited to, agricultural processors, dealers, packers, and growers; livestock feed yards and auction yards; construction including rock, sand, gravel, earth, concrete, and asphalt paving materials; bulk fertilizers; landscape companies that make deliveries; fish processors; scrap and salvage materials; timber; wineries; moving and storage; and general transportation companies.

The [laws](#) and [regulations](#) relating to weighmasters are found in the California Business and Professions Code and the California Code of Regulations. To obtain a license the person or business must complete the [application form](#) and submit it with the proper fees and other required information. No person shall issue certificates without first being licensed as a weighmaster. The principal weighmaster may name anyone as a deputy weighmaster by submitting their name to the Division of Measurement Standards and is responsible for the acts performed by its deputies. A [deputy weighmaster self help exam](#) and an [instruction sheet for deputies](#) is available on the website. The Division of Measurement Standards can also be contacted for on-site deputy group training.

Violations of the weighmaster laws are misdemeanors. Violators may be subject to civil or criminal proceedings. Additionally, a complaint may be filed with the district attorney against them for violations.

# Questions and Answers for Industry

## ***Who must license as a weighmaster?***

Any person who, for hire or otherwise, weighs, measures, or counts any commodity and issues a statement or memorandum of the weight, measure, or count which is used as the basis for either the purchase or sale of that commodity or charge for service.

## ***What are the fees for a weighmaster license?***

Fixed location	\$75
Each additional fixed location	\$30
Location other than fixed	\$200
Deputy	\$20

## ***Who can be a Deputy Weighmaster and is there an age limit?***

A weighmaster may employ any person to act for them as a deputy weighmaster and shall be responsible for all acts performed by that person. There is no age limit.

## ***Is there a test required for becoming a deputy?***

There is no test. However, training is offered by the Division of Measurement Standards (DMS). There is also a self-help exam that can be downloaded from the DMS website. The weighmaster is ultimately responsible for all acts of the deputy.

## ***How long is a license valid for?***

The license is good for one year and must be renewed annually.

### ***How do I cancel my license?***

If you decide to cancel your license you must inform DMS. You must let DMS know where you will be storing your used certificates and how you will be disposing of your unused weighmaster certificates. There is a cancellation form available on the internet that can be downloaded and completed and sent to DMS.

### ***How do I add/delete or change deputies?***

You can add/delete deputies using a copy of your current year's weighmaster license. You may add/delete the same number of deputies at no charge. To delete a deputy you may draw a line through the name and mail, fax, or email the current year's license to DMS. For additions and corrections, legibly write the added or correct name on the license.

If you are adding deputies and not deleting the same number of deputies, \$20 is required for each deputy position added. (Do not fax changes if fees are necessary.) Deputies may begin signing on the date the letter is postmarked and sent to DMS.

### ***How do I add/delete locations?***

Adding or changing a location requires you to submit page 2 of the application with Section 8a completed, \$30 for each location, and a copy of your current year's license. To only delete a location, mark through the location on the license and fax or mail a copy of the license to DMS. The location will be "inactive" until "cancelled" at renewal. You cannot add and delete a branch location in equal exchange or receive credit for the deleted branch. Weighing cannot take place until the application and proper fees are submitted (postmark date).

### ***What is a weighmaster certificate?***

A weighmaster certificate is a negotiable instrument that binds the buyer and seller. It is an instrument on which various specific information is required, which places the document as a contractual agreement between the interested parties for payment of the goods sold or purchased on the basis of weight, measure or count. The weighmaster certificate must contain the essential elements described in Business and Professions (B&P) Code Sections 12714 thru 12715.

### ***Why do I need a fictitious name statement?***

Every person doing business for profit under a fictitious name must file a "Fictitious Business Name Statement" form within 40 days of commencement of business (B&P Code Section 17910). The purpose of filing a fictitious name statement is to make available to the public and creditors the identities of people doing business for profit in the State of California.

### ***When do I issue a weighmaster certificate?***

A weighmaster must issue a weighmaster certificate whenever payment for a commodity or service represented is dependent on a written or printed weight, measure, or count.

### ***Can I issue a certificate for more than 80,000 lbs.?***

A weighmaster cannot issue a certificate for more than 80,000 lbs. when the scale is located on the site where the vehicle is loaded and if the vehicle is weighed before entering a highway, unless a special permit authorizing a greater gross weight for the vehicle has been issued pursuant to Section 35780 of the Vehicle Code.

### ***Can I put axle weights on a weighmaster certificate?***

A weighmaster cannot weigh a vehicle or combination of vehicles, for certification, when part of the vehicle or connected vehicle is not resting on the scale.

### ***Can the vehicle be weighed with people in it?***

All persons must exit their vehicle and be off the scale when weighing except: (a) when the gross and tare weights are determined without leaving the weighing location; or (b) driver may be on the scale when weighing vehicles hauling earth, stone, rock, sand, gravel and asphalt paving material if both gross and tare are determined in the same manner and "driver on both gross and tare" is indicated on the certificate. (B&P Code Section 12724)

### ***How often does Weights and Measures inspect commercial scales?***

Usually once a year, although you may wish to contact your individual County Weights and Measures office for their schedule.

***How long do I need to keep weighmaster records and what records do I need to keep?***

All weighmasters must keep and preserve, as records, for a period of four years, all copies of voided certificates, records, and worksheets required by this chapter and true copies of all weighmaster certificates issued. These records shall, at all times, be open for inspection by the director.

***Can I just keep one copy of voided certificates?***

A weighmaster must keep all copies of voided certificates for a period of four years.

***Why do the tractor and trailers all have to be on the scale when a weighmaster certificate is issued?***

The law states that no weighmaster shall weigh a vehicle or combination of vehicles, for certification, when part of the vehicle or connection of vehicles is not resting on the scale [see B&P Code Section 12728(a)]. Inaccurate weights may result if the entire combination of vehicles is not on the scale at the same time.

***Are there any exceptions to having both the tractor and trailers on the scale in order to issue a weighmaster certificate?***

Generally, a weighmaster must not weigh a vehicle, or combination of vehicles for certification, when part of the vehicle, or connected combination, is not resting on the scale. There are a few exceptions:

1. The weighing of seed cotton for purposes of ginning when the weights are obtained by weighing trailers not equipped with braking systems and are not used for the sale of the seed cotton.
2. Multiple draft or in-motion weighing operations that comply with the regulations adopted pursuant to B&P Code Section 12107.
3. A combination of multiple railcars that contain grain or grain products if the consignor and the consignee to the transaction agree in writing to a multiple draft weighing operation.



### ***When do I void a weighmaster certificate and when do I issue a correction certificate?***

If an error is discovered prior to issuance, the certificate can be voided and all copies of the certificate are retained for four years. If the error is discovered after the weighmaster certificate has been issued, the word "Incorrect" shall be written across the face of the original certificate. The number of the original certificate and the reason for the correction shall be recorded on the correction certificate which must then be issued to all people who received the original certificate. See B&P Code Section 12716.5 requirements.

### ***What is a Predetermined Individual Tare and how do I set one?***

A predetermined individual tare weight is the weight of a vehicle, container or pallet determined by a weighmaster prior to the time of delivery of a product and recorded on a "Tare Only" certificate. The weighmaster weighs the vehicle, container or pallet without the product and issues a "Tare Only" certificate.

Each vehicle, container or pallet for which the tare weight has been established shall be clearly marked on both sides with the company name or code, company identification number, and predetermined tare weight.

The tare weight shall be identified in letters and numbers not less than three (3) inches in height.

### ***What is a Common Tare and how do I set one?***

A common tare is the average weight of a group (lot) of containers or pallets determined by a weighmaster prior to delivery. The containers must be 1,000 lbs. or less, within a uniform weight range and be under the control of one user.

A randomly selected sample is taken from the lot and weighed either individually or in subgroups. The common tare weight is determined by mathematically dividing the total weight of the random sample by the number of containers or pallets in the sample. The common tare weight shall only apply to the containers or pallets in the lot from which the random sample was selected.